

April 18, 2006 CPC



SUBSTANTIAL ACCORD DETERMINATION

06PD0346

New Cingular Wireless PCS, LLC

Bermuda Magisterial District
1409 Willis Road

REQUEST: Confirmation of the decision of the Director of Planning that the proposed public facility (communications tower) is consistent with the Comprehensive Plan and exempted from the requirement of substantial accord review

PROPOSED LAND USE:

A communications tower and associated improvements are planned.

DIRECTOR'S DETERMINATION

The Director of Planning finds the request to be in substantial accord with the provisions of the adopted Comprehensive Plan for the following reasons:

- A. The proposal conforms to the Public Facilities Plan which suggests that communications tower locations should generally be located to minimize the impact on existing or planned areas of development.
- B. The proposal conforms to the Tower Siting Policy which suggests that towers should be located in an area designated on the Comprehensive Plan for industrial use.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITIONS

- 1. There shall be no signs permitted to identify this use. (P)
- 2. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen

plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)

3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
4. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted. (P)
5. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

GENERAL INFORMATION

Project Name:

Cingular Wireless – RI651B Masonomics

Location:

South line of Willis Road, east of Coach Road. Tax ID799-672-6219.

Existing Zoning:

I-3

Size:

6.0 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, South, East and West – I-3; Industrial or vacant

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater system is not required.

ENVIRONMENTAL

Drainage and Erosion:

Due to the nature of the existing site, it does not appear that a land disturbance permit will be required from the Department of Environmental Engineering.

Water Quality:

The subject property drains to the south to a perennial stream and then east to the James River. The perennial stream is subject to a conservation area inside of which uses are very limited. The location proposed is outside of the Resource Protection Area (RPA) and can be approved in this location.

PUBLIC FACILITIES

Fire Service:

The Chester Road Fire Station, Company Number 17, currently provides fire protection and emergency medical service. This request will have a minimal impact Chesterfield Fire and EMS.

Transportation:

The proposed communications tower will have a minimal impact on the existing transportation network.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower. A preliminary review of this proposal has indicated that the facility will not interfere with the County's communications system. Once the tower is in operation, if interference occurs, the owner/developer will be required to correct any problems. (Condition 3)

COUNTY AIRPORT

A preliminary review of this proposal indicates that, given the approximate location and elevation of the proposed installation, it appears there will be no adverse affect on the County Airport.

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for industrial use.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests communications towers should be located so as to minimize impacts on existing and future areas of development. Further, the Public Facilities Plan provides that communications towers should be located in industrial areas.

Area Development Trends:

Adjacent properties are zoned Heavy Industrial (I-3) and are occupied by industrial uses or remain vacant. It is anticipated that industrial uses will continue in the area, as suggested by the Plan.

Development Standards:

Currently, the request property lies within an Emerging Growth Area. The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. Development of this property must comply with these standards.

So as to minimize the visual impact of the tower, Condition 4 would require the tower to be gray or another neutral color and not be lighted.

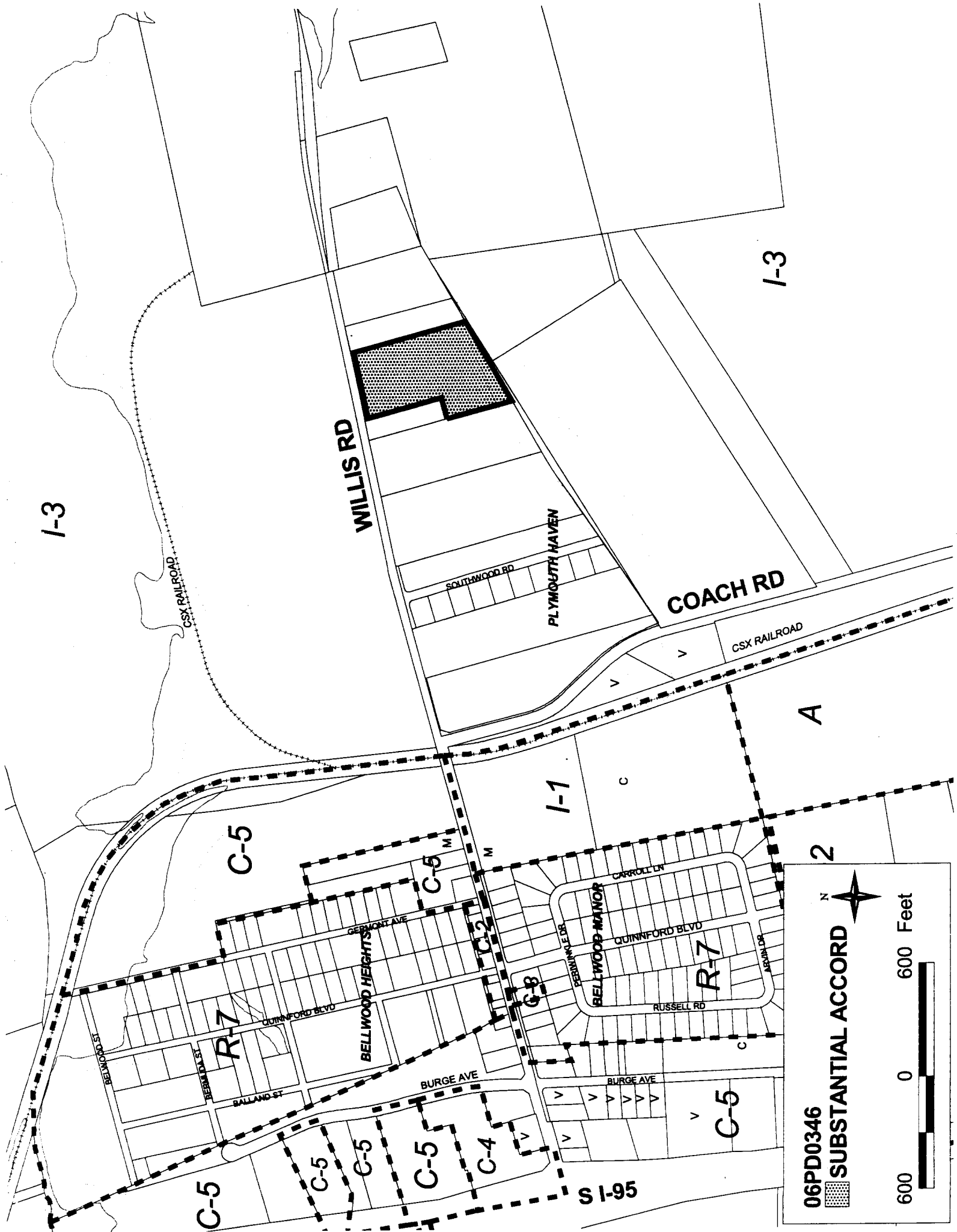
Consistent with past actions on similar facilities and to ensure that the tower does not become a maintenance problem or an eyesore, the base of the tower should be secured with a fence to discourage trespassing (Condition 2), and the tower should be removed at such time that it ceases to be used for communications purposes. (Condition 5)

CONCLUSIONS

The proposed communications tower in the requested location satisfies the criteria of location, character and extent as specified in the Code of Virginia.

Specifically, the request is in compliance with the Public Facilities Plan which suggests that communications towers should be located to minimize the impact on existing or planned areas of development. In addition, the location is within an area zoned for industrial use.

Given these considerations, the Director of Planning finds the proposal consistent with the adopted Comprehensive Plan.



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